Remarks/Arguments:

By this Amendment, Applicants have amended claims 1 and 6-9 and added claims 21-24. Claims 1-11 and 16-24 are pending.

Claim Objections

Claims 6-10 are objected to under 37 C.F.R. §1.75(c) as being in improper dependent form. More specifically, the Examiner has stated that "claims 1-10 are multiple dependent claims with claims 16 and 17 as one of their dependencies . . . a multiple dependent claim must refer back to a preceding claim." But Applicants note that claim 10 is not a multiple dependent claim dependent on claims 16 and 17, but is only dependent on claims 1-5. As to claims 6-9, Applicants have amended these claims to overcome the basis for the claim objections. In addition, Applicants have added new claims 21-24 in view of their amendment to claims 6-9. No new matter is added by the addition of new claims 21-24.

Claim Rejections Under Section 112

Claims 19 and 20 stand rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. In the Section 112 rejection as set forth at page 3 of the Office Action, the Examiner states the following:

> As such any subsequent multiple dependent claim that refer
> back to a first multiple dependent claim take on the limitations
> or elements of each of the alternatives formed from the first
> multiple dependent claims.

But Applicants point out, claims 19 and 20 are not "subsequent multiple dependent claim" that refer back to a first multiple dependent claim. Thus, there appears to be no basis for the Examiner's Section 112 rejection. Applicants therefore request

that the Examiner withdraw the Section 112 rejection or state the basis for such rejection.

Claim Rejections Under Section 102

Claims 1-11 and 16-20 stand rejected under 35 U.S.C. §102(e) as being anticipated by Heer. By this Amendment, Applicants respectfully traverse the Section 102(e) rejection.

Claim 1 is an independent claim to which claims 2-11 and 16-20 dependent thereon, either directly or indirectly. Claim 1 is directed to a method for transferring data on a bus system using isochronous communication and asynchronous communication, where the isochronous communication is for any device on the bus to receive synchronous data, and the asynchronous communication is for a predetermined device to receive asynchronous data, and the synchronous data is capable of containing actual data and encryption identification information indicating encrypted actual data, and the encrypted actual data is decrypted using decrypting information obtained through the following steps:

- receiving the synchronous data at a receiving device, **the encryption identification information received by the receiving device without encryption**, and the receiving device via the asynchronous communication requesting decrypting information for the actual data from a sending device sending the synchronous data, if the encryption identification indicates encrypted actual data,

- receiving the request at the sending device and the sending device sending one of (i) encrypted decrypting information of the actual data, and (ii) decrypting information data for obtaining the decrypting information, to the receiving device via the asynchronous communication, and

- executing at the receiving device one of (i) extracting the decrypting information from the encrypted decrypting information, and (ii) obtaining the decrypting information using the decrypting information data.

It is Applicants' contention that the method defined by claim 1 is patentably distinguished from the Heer Patent, at least based on the requirement that the encryption identification information received by the receiving device is without encryption (hereinafter generally referred to as the "Without Encryption Feature" of Applicants' claimed invention). Simply put, the Without Encryption Feature is neither taught not suggested in the Heer Patent.

The addition of the Without Encryption Feature into claim 1 is not the addition of new matter but is based on the application as originally filed. In this connection, Applicants direct the Examiner to page 6, lines 6-14 of the originally filed application. Applicants also set forth at page 6, lines 6-14 of the originally filed application the advantage provided by the Without Encryption Feature of Applicants' claimed invention.

The Heer Patent in general relates to the encryption of data transmitted over a broadband multiple access bi-directional hybrid fiber-coax (HFC) network. The Heer method supports downstream broadcast encryption from head and headend to cable modem, and also provides for encryption of transmissions from cable modems back to the headend. The Heer encrypting apparatus is implemented in two subdivisions, a slow but secure software encrypting algorithm, and a fast but less secure hardware encrypting algorithm. The combination produces the security of the software subdivision, with the encrypting speed of the hardware subdivision. The authentication and key generation process of Heer between headend and cable modem produces a mutually authenticated and mutually generated permanent key.

The Office Action has eluded to the possibility that the Without Encryption Feature is taught in the Heer Patent in its rejection of dependent claim 10. The

Office Action takes the position that this feature is taught in the Heer Patent at column 7, lines 57-60 but Applicants respectfully disagree. It is Applicants' position that the Heer Patent does not teach the feature of the encryption identification information received by the receiving device without encryption. The above identified portion of the Heer Patent identified in the Office Action relates to an encryptor 202 (Figure 2) wherein after queried data is encrypted, an adaptive digital access protocol header is appended. Thus the Heer Patent does <u>not</u> teach "encryption identification information" received from the receiving device <u>without</u> encryption, as set forth in Applicants' claim 1.

Applicants further note that the Heer Patent does not specifically disclose the meaning or content of "adaptive digital access protocol (ADAPT) header." The related description of this element appears to be disclosed only at column 5, lines 50-56 of the Heer Patent. In this portion of the Heer Patent, Heer mentions "broadband link protocol" which is referred to as "adaptive digital access protocol (ADAPT)." From this description, it is generally taught and understood that "ADAPT header" is related to "link protocol." However, the aforesaid discussion in Heer does not teach or suggest the Without Encryption Feature of Applicants' claimed invention; namely, that the encryption identification information received by the receiving device is without encryption as set forth in Applicants' claim 1.

Because there is simply no teaching or suggestion of the Without Encryption Feature of Applicants' claimed invention in the Heer Patent, at least based on this feature, claim 1 and all of the other pending claims are patentably distinguished from the Heer Patent. Applicants therefore request that the Section 102(e) rejection directed to claims 1-11 and 16-20 be withdrawn.

In view of the foregoing remarks and amendments, Applicants respectfully submit that claims 1-11, and 16-24 are in condition for allowance. Reconsideration and allowance of all pending claims are respectfully requested.

Respectfully submitted,

Lawrence E. Ashery, Reg. No. 34,515
Daniel N. Calder, Reg. 27,424
Attorney for Applicants

DNC/ds

Dated: October 20, 2004

P.O. Box 980
Valley Forge, PA 19482
(610) 407-0700

The Commissioner for Patents is hereby authorized to charge payment to Deposit Account No. **18-0350** of any fees associated with this communication.

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, with sufficient postage, in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on:

October 20, 2004

DS_I:\MAT\V07839\AMEND_02.DOC